

### **REMARKS/ARGUMENTS**

In the specification, the title and paragraphs [0015], [0144], [0152], [0168], [0173] and [0198] have been amended to properly identify accession numbers of biological deposits, correct minor typographical issues and to more clearly describe the invention. These amendments do not constitute new matter.

Claims 1-47 were pending in the instant application. With this response, Claims 14-47 have been canceled, without prejudice to Applicant's right to pursue the subject matter of the canceled claims in related applications. Also, Claims 1 and 11 have been amended and new Claim 48 has been added to clarify the methods of the invention.

Amendments to Claims 1 and 11, and new Claim 48, are fully supported by the specification of the instant application and do not introduce new matter. Support for the amendments to Claims 1 and 11 may be found throughout the original specification, for example, at page 14, line 15 to page 15, line 23; page 36, line 1 to page 38, line 37; and with particularity at page 45, line 7 to page 46, line 7. Support for Claim 48 may be found in the original specification, for example, at page 3, lines 23-30; page 16, lines 15-25; in "section 10" at page 38, line 16 to page 40, line 11; and page 45, line 7 to page 46, line 7.

The Examiner has required an election under 35 U.S.C. § 121 of one of the following inventions:

- I. Claims 1-13, drawn to a method for identifying CD8+ suppressor molecules, classified in class 435, subclass 7.1.
- II. Claims 14-26, drawn to a method for monitoring the clinical progression of HIV infection, classified in class 435, subclass 5.
- III. Claims 27-47, drawn to a method for identifying compounds that suppress HIV replication, classified in class 435, subclass 5.

The Examiner alleges that the above-identified claims are directed to groups of different methodologies/protocols with disparate scientific objectives. The Examiner further believes that the different groups of claims will require separate art searches, a belief allegedly supported by the Examiner's assertion that the claims of the three groups properly

Appl. No. 10/071,349  
Response to Restriction Requirement dated Dec. 11, 2003  
Reply to Office communication of Nov. 12, 2003

belong to at least two distinct subclasses. For this reason, the Examiner believes that the requirement for restriction for examination purposes is proper.

In response to the Restriction Requirement, Applicant elects to pursue the subject matter of the claims of Group I, *i.e.*, Claims 1-13. This election is being made without prejudice to the Applicant's right to pursue the non-elected subject matter in one or more continuing applications.

Applicant submits that new Claim 48, as depending from Group I claims, is properly considered as readable upon elected Group I.

Entry of the amendments and remarks made herein into the file history of the above-identified application is respectfully requested.

Respectfully submitted,

Date December 11, 2003

By: Stephen K. Salt, Reg. No. 43,171  
Laura A. Coruzzi 30,742  
Laura A. Coruzzi (Reg. No.)

**PENNIE & EDMONDS LLP**  
1155 Avenue of the Americas  
New York, New York 10036-2711  
(212) 790-9090

Enclosures